

Disputes naturally arise in the workplace over differences in culture, values, work environment stressors, breakdowns in communication and a variety of other factors. The effects of these disputes can lead to low morale, decreased productivity and countless work hours addressing the dispute.



THE PROGRAM

The State Employee Mediation Program (SEMP) offers a voluntary, confidential, collaborative problem solving process where disputing parties have an opportunity to discuss their issues and generate mutually satisfying agreements. Unlike many other dispute or complaint processes where a third party makes a final decision, mediation assists employees and employers in finding their own solutions. It's an effective alternative for managing conflicts in the workplace.

During mediation, parties are given an opportunity to give their perspective on the conflict. With the guidance of mediators, the parties eventually communicate directly with each other and begin to develop options for resolving the problem. The mediation process not only addresses current problems, it also provides assistance in developing ways to resolve future disputes.

FREQUENTLY ASKED QUESTIONS

Who are the Mediators?

Most mediation panels consist of two mediators, a Sr. Mediator and a Co-Mediator. The Sr. Mediator is a professional mediator contracted to provide mediation-related services under the auspices of the State Personnel Board. The Co-mediator, selected

by SEMP, is a civil service employee who has received at least 36 hours of mediator training through the State Personnel Board. Mediators are neutral, impartial facilitators whose roles are to maintain the structural mediation process while helping parties work out their problems. A mediator does NOT solve the problem for the parties; impose his/her views or solutions on the parties or act as an advocate for either party.

How do I know if mediation would be appropriate for my situation?

Mediation is highly effective in dealing with conflicts between parties who are having communication problems; perceive a lack of respect, recognition or trust; and differ in work role expectations or work styles. Mediation may also be a useful tool to resolve disputes arising out of: claims of discrimination; requests for reasonable accommodation; adverse actions and medical issues. Each participating department has a gatekeeper who can help determine if your situation is appropriate for mediation.

What is a gatekeeper?

A gatekeeper is the departmental or organizational point of contact through which mediation requests are referred to SEMP. The gatekeeper, who is bound by confidentiality, will initially screen the dispute to make sure it is appropriate for mediation and answer questions that employees, supervisors and managers may have about the program. The gatekeeper also publicizes the availability of SEMP and provides information about the program within the department or organization. Most gatekeepers have received SPB's Volunteer Mediator Training. If your department does not have a gatekeeper, contact SEMP at (916) 651-6041 for assistance.

How much does it cost?

There is no cost to the parties participating in the mediation. The program is funded through the State Personnel Board's Appeal Division.

What if my dispute involves my supervisor, manager or more than one person?

SEMP is set up to mediate disputes between supervisors and employees, managers and

supervisors, as well as between co-workers. SEMP is also available to mediate group disputes -where group members share common concerns or issues.

Does my supervisor have to know that I'm pursuing mediation?

If you are involved in a dispute with a co-worker or someone who is not your supervisor, your department or agency may require that your supervisor be made aware that you are away from the work site participating in mediation, your supervisor will not be given information about what happened during the mediation unless you and the other party in the dispute both decide to give the supervisor additional information.

What if I want to pursue mediation and the other person doesn't?

Mediation is a completely voluntary process. All disputing parties must agree to mediate in order for SEMP to arrange the mediation. SEMP staff is available however, to answer questions of parties who may be reluctant to try mediation because they don't understand mediation or know about the process.

Can I still use mediation if I have filed a formal complain?

YES. Requesting mediation does not interfere with the processing of your complaint. If mediation settles your dispute, you may then choose to withdraw your complaint.

What if mediation doesn't resolve my dispute?

Pursuing mediation does not impact any of your rights to file complaints in other forums. It is simply one tool available to help manage workplace conflicts. If mediation does not resolve your issue, all the other complaint forums are still available for your use, provided you have taken the necessary steps to preserve those avenues such as by filing necessary documents with statutory timeframes.

How long is a mediation session?

Most sessions last about 3 hours and most disputes are resolved in one session.

How does our department or employee organization get involved with SEMP?

There is no fee to participate in SEMP. Departments, agencies and employee representative groups may participate by providing one or two staff members to be trained as volunteer mediators and also provide release time for the volunteer mediators to perform one or two mediations per year for other state departments. Organizations also provide an individual to serve as the gatekeeper or point of contact within the organization. In exchange, the organization can utilize SEMP mediation services on an unlimited basis. Special arrangements can be made for organizations that have insufficient staff resources to contribute a volunteer mediator.

WHY USE MEDIATION?

It works.

SEMP effectively manages conflict. Over 95% of the cases mediated through SEMP have resulted in written agreements.

It's quicker.

Most SEMP mediations can be scheduled within 2 weeks of the referral. Other complaint and appeal processes can take months or even years to complete.

Parties have more control.

SEMP mediation allows parties to control the outcome. Any agreements made must be mutually agreeable to the parties. Traditional dispute resolution systems typically impose a solution, which rarely resolves the original conflict.

Less stress in the workplace.

Ongoing disputes can disrupt the entire workplace. Mediation is designed to resolve the disputes quickly and as a result the workplace is less likely to experience decreased productivity, tension and escalation of the problem. The win-win solutions resulting from mediation also improve working relationships and help to prevent future disputes.

You have nothing to lose.

SEMP mediation is confidential and, by mediating, you do not waive your rights to pursue other actions or avenues if the dispute does not resolve, as long as you adhere to applicable filing time limits.



WHAT STATE EMPLOYEES THINK OF SEMP...

"It gave me a better understanding of the other person's problems; I understood what other problems affected his workload and how they could be corrected. This was a good communication exercise."

"I feel the mediators did an excellent job. They were open and kept us on track. This was a hard issue to mediate because of the length of time it has been going on. I commend you for your effort."

"It provided a needed forum for the parties to air their concerns, and resulted in a settlement that was both fair to the employee and cost-effective to the employer."

"Absent this mediation the dispute would have been litigated, since the parties were at an impasse and the running of the applicable statute of limitation was pending."

"The mediators were very effective and professional (excellent, really). I think all parties were treated fairly and impartially."

"...I am thankful to the mediators for providing the tools I needed to present my complaint in a dignified manner."

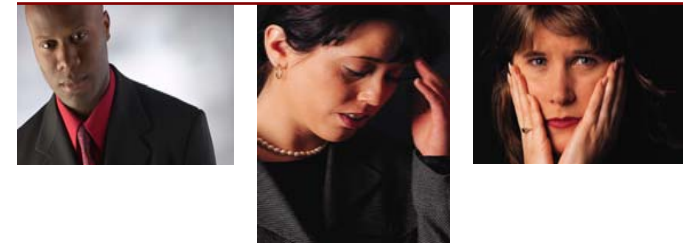
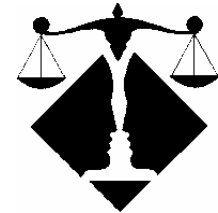
"Excellent program! More employees need to be made aware of it."

FOR MORE INFORMATION ABOUT SEMP, PLEASE CALL:

SPB State Employee Mediation Program
801 Capitol Mall Drive, MS 22
Sacramento, CA 95814
916.651.9041 fax 916.651.8950
Or visit the SPB website at www.spb.ca.gov
Cynthia Castillo, Program Manager
Tamara Lacey, Intake Coordinator



The State Personnel Board's State Employee Mediation Program



**Need a
quick effective resolution
to a workplace dispute?**

**Need a
neutral and confidential forum
to address problems?**

**Want
better working
relationships?**